



S/N 09/634,207

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis A. Carson et al.

Examiner: Tamthom N Truong

Serial No.: 09/634,207

Group Art Unit: 1624

Filed: August 9, 2000

Docket: 103.022US1

Title: INDOLE COMPOUNDS USEFUL FOR THE TREATMENT OF CANCER

TERMINAL DISCLAIMER

**RECEIVED**

Commissioner for Patents  
Washington, D.C. 20231

MAR 28 2003

**TECH CENTER 1600/2900**

I, William F. Prout, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on August 9, 2000. I am making this petition on behalf of The Regents of the University of California, the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

*Handwritten signature and number 15*

Certificate Under 37 C.F.R. §3.73(b)

Your petitioner, The Regents of the University of California, certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 09/634,207), to U.S. Patent Application Serial No. 09/360,020 and to U.S. Patent Application Serial No. 09/589,476. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for all of these applications. The assignment for U.S. Application Serial No. 09/360,020 was recorded on October 18, 1999 on Reel 010308, Frames 0786 - 0792, with the United States Patent and Trademark Office. The assignment for U.S. Application Serial No. 09/589,476 was recorded on October 6, 2000 on Reel 011160, Frame 0880, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 09/634,207) is a continuation-in-part of U.S. Application Serial No. 09/360,020. Application Serial No. 09/589,476 is also a continuation-in-part of U.S. Application Serial No. 09/360,020.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, The Regents of the University of California, seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from U.S. Application Serial No. 09/360,020. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from U.S. Application Serial No. 09/360,020 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from U.S. Application Serial No. 09/589,476. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from U.S. Application Serial No. 09/589,476 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on U.S. Application Serial No. 09/360,020 or U.S. Application Serial No. 09/589,476 in the event that either of them later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled

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by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove. Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application if no patent issues from U.S. Application Serial No. 09/360,020 or from U.S. Application Serial No. 09/589,476.

Fee Status

A check in the amount of \$55.00, which is required under 37 C.F.R. §1.20(d) to file a statutory disclaimer, is enclosed herewith. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DENNIS A. CARSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6968

Date March 17, 2003

By William F. Prout

William F. Prout  
Reg. No. 33,995

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 17th day of March, 2003.

Name

Dawn M. Poole

Signature

Dawn M. Poole